

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALCIRA ORTIZ, AS NATURAL MOTHER AND
LEGAL GUARDIAN OF C.C., A MINOR CHILD,

Plaintiffs,

Case No. 08-CV-2379 (SCR)

- against -

**NOTICE OF MOTION TO
DISMISS PURSUANT
TO RULE 12(b)(6)**

HASBRO, INC., COSTCO, INC., and JOHN
DOES 1-15,

Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Jeffrey J. Imeri, Esq., dated June 9, 2008, the undersigned attorneys for defendants Hasbro, Inc. and Costco, Inc. will move this Court, on August 18, 2008, before the Honorable Stephen C. Robinson, United States District Court Judge, at the United States District Courthouse for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure: (1) dismissing the Complaint's cause of action for punitive damages, (2) dismissing the Complaint's claims for punitive damages against Hasbro, Inc. and Costco, Inc. and (3) for such further and/or other relief as the Court may deem proper in the circumstances.

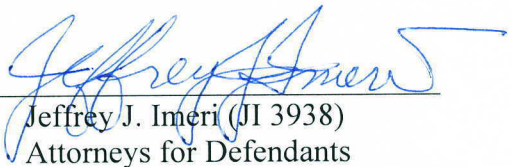
Pursuant to the Individual Rules of the Honorable Stephen C. Robinson, the undersigned counsel for Hasbro and Costco has conferred with Plaintiffs' counsel and a proposed briefing schedule has been submitted to the Court which provides that opposing affidavits, declarations and/or answering memoranda of law, if any, shall be served and electronically filed by July 14,

2008. Reply affidavits, declarations and/or memoranda of law, if any, shall be served and electronically filed by August 4, 2008.

Dated: New York, New York
June 16, 2008

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By: 
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